



**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER NUMBER

**DATE MAILED:**

This is a communication from the examiner in charge of this application.

COMMISSIONER OF PATENTS AND TRADEMARKS

**NOTICE OF ALLOWABILITY**

claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

This communication is responsive to *the amendment of 2-9-04*.

The allowed claim(s) is/are *1-4, 6-19 and 21-25*.

The drawings filed on \_\_\_\_\_ are acceptable as formal drawings.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for the Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

EXAMINER'S AMENDMENT

In accordance with telephone conversations on February 23, 2004 and March 1, 2004 with Mr. Gooding for the applicant, the following changes were agreed upon to place the case in condition for allowance.

In claim 1, line 2, the phrase "comprising oxygen" has been deleted. In line 3, the phrase "oxidizing agent" has been deleted and the word --air-- has been substituted therefor.

In claim 19, line 1, "an oxidized product" has been deleted and the phrase --hydrogen peroxide-- has been substituted therefor. In line 6, after "reacting" the phrase --the dissolved-- has been inserted.

In claim 21, line 2, "reaction product" has been deleted and -- hydrogen peroxide -- has been substituted therefor.

In claim 23, line 3, "feed component" has been deleted and --hydrogen-- has been substituted therefor. Further in line 3, "oxidizing" has been deleted and --oxygen-- has been substituted therefor. In the last line, "agent" has been deleted.

In claim 24, line 2, "oxidizing agent" has been deleted and --oxygen--has been substituted therefor. Further in line 2, "feed component" has been deleted and --hydrogen-- has been substituted therefor.

The following is an examiner's statement of reasons for allowance:

Japanese 62-234550 discloses a process for the epoxidation of olefins comprising oxidizing the olefin with hydrogen peroxide in the presence of a solid oxidation catalyst comprising a salt or peroxide consisting of quaternary ammonium ion derived from quaternary ammonium compound or a quaternary ammonium compound with a nitrogen-containing ring and a heteropolyacid ion of an element from Group V of the Periodic Table. (See the English Abstract.) The Abstract teaches that solvents used are non-hydrophilic solvents, for example halogenated hydrocarbons. It would be prima facie obvious to employ fluorocarbons or chlorofluorocarbons as the halogenated hydrocarbon solvent in the process of Japanese 62-234550, since the Abstract of the reference suggests that any halogenated hydrocarbon which is non-hydrophilic would be suitable, and it would be within the skill of one of ordinary skill in the art to determine which of the halogenated hydrocarbons would possess such property. However there is no teaching, disclosure or suggestion in Japanese 62-234550 to employ air as the oxidizing agent, as required by applicant's claims 1-4 and 6-18, or to employ the process to produce hydrogen peroxide, as required by applicant's claims 19 and 21-25. Nor would there be any motivation from the prior art to do so.

Any comments considered necessary by applicant must be

submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (571) 272-1353. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (571) 272-1358. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WAL:cdc  
March 5, 2004

*Wayne A. Langel*  
WAYNE A. LANGE  
PRIMARY EXAMINER